

Tab 11

Deposition of Charles Sheehan

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VALENCIA M. McCLATCHY, )  
                            )  
Plaintiff,             )  
                            ) CIVIL ACTION  
-vs-                    ) No. 05-145J  
                            )  
THE ASSOCIATED PRESS, )  
                            )  
Defendant.             )

DEPOSITION OF CHARLES SHEEHAN

MARCH 9, 2006 - 2:00 P.M.

The deposition of CHARLES SHEEHAN, taken pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Jerry Satterlee, a Certified Shorthand Reporter duly

qualified in the State of Illinois, at 181 West Madison Street, Suite 4500, Chicago, Illinois.

1 (THE WITNESS WAS DULY SWORN)

2 CHARLES SHEEHAN,  
3 called as a witness herein, having been first  
4 duly sworn, was examined and testified as  
5 follows:

6 EXAMINATION

7 BY MS. SZPONDOWSKI:

8 Q. Can you please state and spell your  
9 name for the record?

10 A. Charles Sheehan. C-H-A-R-L-E-S.  
11 Sheehan is S-H-E-E-H-A-N.

12 Q. Mr. Sheehan, did you write an article  
13 about Valencia McClatchey in approximately 2002?

14 A. I did.

15 Q. Was that article based upon an  
16 interview that you did with her?

17 A. It was.

18 Q. I am going to show you what was  
19 previously marked as Plaintiff's Exhibit 10. If  
20 you could take a look at that and let me know if  
21 that is the article that you wrote?

22 A. Yes, it is.

23 Q. Did you provide the title on this  
24 article?

1 Q. And how did you meet Valencia  
2 McClatchey?

3 A. She was standing in a field about 800  
4 yards from the crash site of United Airlines  
5 Flight 93.

6 Q. And did you approach her or did she  
7 approach you?

8 A. She approached me.

9 Q. And do you recall what she said?

10 A. I don't.

11 Q. At what point did you decide to write  
12 an article about her?

13 A. Within five minutes of speaking with  
14 her.

15 Q. And why did you come to that  
16 conclusion?

17 A. We wrote -- I personally wrote on  
18 that day as many as a half dozen stories, and we  
19 were looking for anything that might be of  
20 interest to newspaper readers on that day.

21 Q. Can you describe for me what other  
22 types of stories you wrote on that day?

23 A. Much of it concerned the victims who  
24 were also there that day.

1 Q. The victims' families?

2 A. Victims' families.

3 Q. Why did you think that Val McClatchey  
4 might be of interest to newspaper readers?

5 A. Almost immediately.

6 Q. Why did you think so?

7 A. Why?

8 She had -- Her year, it seemed from  
9 the date of this crash, from that point on seemed  
10 to take a precipitous decline almost immediately  
11 after September 11th, 2001, and for whatever  
12 reason that coincided with that seemed  
13 interesting to me.

14 Q. Did you have any sort of target market  
15 in mind for the article?

16 MR. BERRY: Objection, form.

17 BY THE WITNESS:

18 A. No.

19 BY MS. SZPONDOWSKI:

20 Q. Had you seen her "End of Serenity"  
21 photograph prior to the time that you met her?

22 A. No.

23 Q. So the first time that you saw it is  
24 when she showed it to you?

1 Q. In what context did you work with him?

2 MR. BERRY: Objection.

3 BY THE WITNESS:

4 A. I was a reporter for The Associated  
5 Press and he, as far as I know, is currently a  
6 photographer for The Associated Press.

7 BY MS. SZPONDOWSKI:

8 Q. How many times would you say the two  
9 of you worked together?

10 MR. BERRY: Objection, vagueness.

11 Did you mean on particular articles?

12 BY MS. SZPONDOWSKI:

13 Q. On a particular article?

14 A. I really can't say. Maybe -- I  
15 really can't say. I don't know. I worked with  
16 them for three years and there were numerous  
17 articles.

18 Q. More than a hundred?

19 A. Probably not.

20 Q. More than fifty?

21 A. I don't know.

22 MR. BERRY: Objection.

23 BY MS. SZPONDOWSKI:

24 Q. How long did your interview in the

1 field last with Val McClatchey?

2 A. Maybe ten minutes.

3 Q. And can you tell me what the two of  
4 you talked about during those ten minutes?

5 A. We talked about this photo. I forgot  
6 the name you used to describe it. But very  
7 briefly about the photo and then about her and  
8 her husband.

9 Q. And their financial situation?

10 A. Yes.

11 Q. Was it your understanding that she had  
12 a copyright on the photo, the "End of Serenity"  
13 photograph?

14 MR. BERRY: At that time?

15 BY MS. SZPONDOWSKI:

16 Q. At that time.

17 A. No.

18 Q. Did that come up at all in the  
19 conversation?

20 A. Not that I recall.

21 Q. And you mentioned that you spoke with  
22 her on the phone also, correct?

23 A. Correct.

24 Q. When was that?

1 A. It was within several hours of the  
2 initial interview.

3 Q. The same day?

4 A. Same day.

5 Q. How long did you speak to her on the  
6 phone?

7 A. Half an hour perhaps.

8 Q. Can you tell me what you discussed  
9 during that phone call?

10 A. More of the same, her health and we  
11 talked about her husband.

12 Q. Anything else about the photograph?

13 A. I don't remember.

14 Q. And did you initiate that phone call  
15 or did she?

16 A. I did.

17 Q. Why did you follow up with a phone  
18 call?

19 A. During the initial interview, I was  
20 pursuing a number of other stories at the same  
21 time.

22 Q. And then did you decide to pursue an  
23 article about her?

24 A. Yes.

1 Q. Do you know when he took this  
2 photograph?

3 A. I am not sure. I think it was the  
4 same day that I spoke with her.

5 MS. SZPONDOWSKI: Mark this Plaintiff's  
6 Exhibit 24.

7 (The document was thereupon marked  
8 for identification as Plaintiff's  
9 Exhibit No. 24, as of 3/09/06.)

10 BY MS. SZPONDOWSKI:

11 Q. Can you tell me if this was the  
12 photograph that Val McClatchey showed you in the  
13 field?

14 A. It is the same image. I don't  
15 remember there being any writing on that image  
16 when I saw it.

17 Q. But this was the photograph?

18 A. That was the photograph.

19 Q. I give you what has previously been  
20 marked as Plaintiff's Exhibit 4. Do you know what  
21 this is?

22 A. No.

23 Q. I am going to represent to you that  
24 this is from the AP's database, and it was